

COHEN GREEN

January 26, 2024

Hon. Ona T. Wang
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

By Electronic Filing.

Re: Case No. 22-cv-01445, Rodney v City of New York, et al.

Dear Judge Wang:

As the Court likely recalls, my firm, with co-counsel, represents Plaintiff in the case above. As directed by the Court, below is Plaintiff's monthly status report.

Defendants served a number of things in response to the Court's Order on January 22, 2024. The parties met and conferred on some issues in those responses on January 25, and Plaintiff filed a motion on the first issue that is fully at an impasse (ECF No. 173), and will file others as they reach impasse.

Defendants also filed a motion for a protective order on text and email-type documents, called for in Plaintiff's Request Nos. 4 and 11. Plaintiff filed a letter seeking guidance from the Court on how to approach the fact that she still lacks basic information one would ordinarily expect to be part of an ESI conferral process, or at the very least, part of the meet and confer process prior to a motion for protective order. *See* ECF No. 167. As she understands it (*id.*), Plaintiff's opposition to that motion is due February 22, 2024.

Plaintiff's view on the policy discovery now in play after the Court's R&R (which Defendants have waived objections to) is in ECF No. 164. In sum, the Right to Record Act claim seeks, among other things, an injunction against the No Recording Policy. And therefore, discovery on that policy is now necessary — and might be productive and efficient to coordinate with the case seeking the same relief on the same theory in *Reyes*. We assume, given the Court's Order at ECF No. 166, that it intends to discuss this issue at the conference.

Finally, on settlement, Defendants have served a response to Plaintiff's demand from many months ago. While it shows some progress, the parties are still very much in different universes. Defendant has asked if Plaintiff will agree to a settlement conference, and our office is always open to talking settlement — but for a conference to be productive and have a real chance of settling, Plaintiff believes either Defendants need to show significantly more movement, or a representative from the Comptroller's Office needs to personally attend, since individual ACCs typically cannot approve the kind of number this case needs to get done.



As always, we thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green

Honorific/Pronouns: Mx., they/their/them

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cc:

All relevant parties by electronic filing.